

AO 91 (REV.5/85) Criminal Complaint

AUSA VALARIE HAYS, (312) 353-5335

FILED

UNITED STATES DISTRICT COURT

APR 30 2002

NORTHERN

DISTRICT OF

ILLINOIS, EASTERN DIVISION
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

NICOLAS FLORES GARCIA

DOCKETED

MAY 3 - 2002

MAGISTRATE JUDGE LEVIN

CRIMINAL COMPLAINT

CASE NUMBER: **02CR0415**

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about On or about April 29, 2002, in Cook County, in the Northern District of Illinois defendant(s) did,

(Track Statutory Language of Offense)

travel in interstate commerce for the purpose of engaging in a sexual act with a person under 18 years of age,

in violation of Title 18 United States Code, Section(s) 2423(b)

I further state that I am a(n) Federal Bureau of Investigation Agent and that this complaint is based on the following facts:

Official Title

Continued on the attached sheet and made a part hereof: X Yes No

[Signature]
Signature of Complainant

Sworn to before me and subscribed in my presence,

April 30, 2002

Date

at Chicago, Illinois
City and State

U.S. Magistrate Judge Ian H. Levin
Name & Title of Judicial Officer

[Signature]
Signature of Judicial Officer

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

AFFIDAVIT

I, Tracie Keegan, being duly sworn, do hereby depose and state:

I. INTRODUCTION

1. I am a Special Agent for the Federal Bureau of Investigation and have been so employed for three years. I am currently assigned to the Chicago Division. Since 1999, as part of my Crimes Against Children assignment, I have worked closely with Detectives and Deputies of the Cook County Sheriff's Police Department, Child Exploitation Unit. The purpose of the Child Exploitation Unit is to identify and proactively investigate the activities of persons suspected of sexually exploiting or sexually abusing children, oftentimes by the use of e-mail and the Internet.

2. I have received training in the investigation of child pornography and child sexual exploitation at schools and seminars. As part of my work, I have conducted several child sexual abuse and child sexual exploitation investigations. Many of these investigations involved persons suspected of distributing and receiving child pornography.

3. In addition to my work experience, I have received extensive training in the investigation of computer-related child sexual exploitation crimes. I have personal knowledge in the operation of a computer.

4. The information contained within this affidavit is based on my personal observations and training, as well as on information related to me by other law enforcement officers. This affidavit does not, however, contain everything I know about this investigation or all the information obtained during the course of this investigation.

5. This affidavit is made in support of a complaint charging defendant NICOLAS FLORES GARCIA with violating Title 18, United States Code, Section 2423(b), which states:

A person who travels in interstate commerce, or conspires to do so . . . for the purpose of engaging in any sexual act . . . with a person under 18 years of age that would be in violation of chapter 109A if the sexual act occurred in the special maritime and territorial jurisdiction of the United States shall be fined under this title, imprisoned not more than 15 years, or both.

THE INVESTIGATION

6. Members of the Sheriff's Police Child Exploitation Unit routinely enter Internet "chat rooms" while posing as a minor child. On or about April 22, 2002, a Cook County Sheriff's Detective was in the Cook County Sheriff's Police

Child Exploitation Unit (CEU) office. The detective was acting in the undercover (U/C) capacity of a 14 year old female child using the screen name "shy_gurl60130." The detective was utilizing Yahoo! Messenger software on the Unit's undercover computer.

7. The detective went to a Yahoo! chat room named "I LOVE OLDER GUYS:2" when an individual using the screen name "tepito69" (hereinafter "Tony") initiated a computer "chat" conversation that lasted approximately fifty minutes. The U/C advised that she was 14 years old, almost 15 years old, and was chatting from a computer in school.

8. Tony related that he was from Chicago and the U/C should check his profile. Upon checking the profile it stated that his hobby was to "please little girls" and "cum for daddy babe." There was a photo of a naked female on the profile which during the chat "Tony" said was "my daughters friend" and "was 14 when i (sic) fuck her first." Tony later said "I can meet you and make you happy babe" "I will teach you babe how to fuck" "I want to be the first to pop your cherry babe."

9. During the chat conversation "Tony" activated his web cam (video camera) feature allowing the undercover detective to observe "Tony's" face, body and penis in real

time.

10. In another Yahoo! computer chat on April 22, 2002, "Tony" sent the undercover detective two digital images purporting to be pictures of his penis.

11. On or about April 24, 2002, during a Yahoo! computer chat, "Tony" stated: "I want to meet you you think you can suck it? or take it in your sweet pussy? and hope to fuck you soon babe." During the chat conversation, "Tony" again activated his web cam (video camera) feature allowing the undercover detective to observe "Tony's" face, body, and penis in real time.

12. On or about April 29, 2002, during a Yahoo! chat conversation, Tony arranged to meet the 14 year old child at 3:00 p.m. at the McDonalds located at Des Plaines and Madison in Forest Park, Illinois. Tony stated: "is (sic) there a nice hotel by?" "waiting to make love to you" "want to make love to you alot." "Tony" also verified that he would be driving a red car.

POST-ARREST STATEMENTS AND CONSENT TO SEARCH

13. On April 29, 2002, at approximately 3:00 p.m., Cook County Sheriff's Deputy Janet Staszal, operating in the undercover capacity of a 14 year old child, arrived at the

McDonalds in Forest Park and took a seat. At approximately 3:25 p.m., a man now identified as defendant NICOLAS GARCIA approached the undercover officer. Shortly thereafter defendant was taken into custody.

14. Defendant GARCIA was given his Miranda rights orally and in writing. He then admitted orally and in writing to driving from Davenport, Iowa to meet the fourteen year old girl to have sex.

15. Defendant GARCIA provided written and oral consent to search his car, computer, personal effects, e-mail accounts, and house.

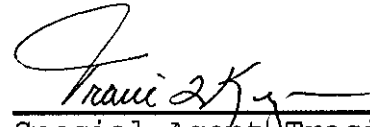
16. On April 29, 2002, Cook County police officers searched defendant GARCIA's car and found a bottle of "Wild Cherry" sexual lubricant along with a map opened to Forest Park / Oak Park, Illinois. Defendant GARCIA was subsequently taken into federal custody on April 30, 2002.

CONCLUSION

17. Based on the evidence described in this affidavit and my experience and training, I believe there is probable cause that beginning on or about April 22, 2002 and continuing to on or about April 29, 2002, at Forest Park, in the Northern District of Illinois, Eastern Division, and

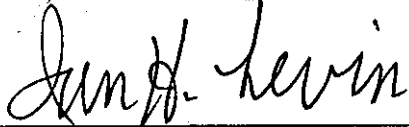
elsewhere, defendant GARCIA traveled in interstate commerce for the purpose of engaging in a sexual act with a person under the age of 18, in violation of Title 18, United States Code, Sections 2423(b).

Further affiant sayeth not



Special Agent Tracie Keegan
Federal Bureau of
Investigation

Subscribed and sworn to before
me this 30th day of April, 2002.



Ian H. Levin
U.S. Magistrate Judge